



Michigan Department of Environmental Quality
Waste and Hazardous Materials Division

SOLID WASTE DISPOSAL AREA OPERATING LICENSE

This license is issued under the provisions of Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.11501 et seq., and authorizes the operation of this solid waste disposal area (Facility) in the state of Michigan. This license does not obviate the need to obtain other authorizations as may be required by state law.

FACILITY NAME: Wexford County Landfill

LICENSEE/OPERATOR: Wexford County Department of Public Works

FACILITY OWNER: Wexford County

PROPERTY OWNER: Wexford County

FACILITY TYPE(S): Municipal Solid Waste Landfill

FACILITY ID NUMBER: 470336

COUNTY: Wexford

LICENSE NUMBER: 9150

ISSUE DATE: November 22, 2006

EXPIRATION DATE: November 22, 2011

FACILITY DESCRIPTION: The Wexford County Landfill, a Municipal Solid Waste Landfill, consists of 178.4 acres located in part of the W ½ of the NW ¼ of Section 34 and part of the E ½ of Section 33, Township 23 North, Range 9 West, Cedar Creek Township, Wexford County, Michigan, as identified in Attachment A and fully described in this license.

AREA AUTHORIZED FOR DISPOSAL OF SOLID WASTE: 38.1 Acres.

RESPONSIBLE PARTY: Mr. John Divozzo, Director
Wexford County Department of Public Works
3161 South Lake Mitchell Drive
Cadillac, Michigan 49601
231-775-0155

RENEWAL OPERATING LICENSE: This License Number 9150 supersedes and replaces Solid Waste Disposal Area License Number 9098 issued to Wexford County Landfill on June 6, 2005.

This license is subject to revocation by the Director of the Michigan Department of Environmental Quality if the Director finds that this Facility is not being constructed or operated in accordance with the approved plans, the conditions of a permit or license, Part 115, or the rules promulgated under Part 115. Failure to comply with the terms and provisions of this license may result in legal action leading to civil and/or criminal penalties pursuant to Part 115. This license shall be available through the licensee during its term and remains the property of the Director.

THIS LICENSE IS NOT TRANSFERABLE.

Steven R. Sliver, Chief, Storage Tank and Solid Waste Section
Waste and Hazardous Materials Division

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The licensee shall comply with all terms of this license and the provisions of Part 115 and its administrative rules. This license includes the license application and any attachments to this license.

1. The licensee shall operate the Facility in a manner that will prevent violations of any state or federal law.
2. The following portions of the Facility are authorized to receive solid waste by this license:

ACTIVE PORTIONS NOT AT FINAL GRADE: The area(s) identified as Cell B, Cell C, Cell D/E, and Cell F were authorized to receive waste by the previous license. This area's total acreage is 23.3 acres.

3. The following portions of the Facility **WILL BE** authorized to receive solid waste by this license following approval by the Michigan Department of Environmental Quality (MDEQ) of construction certification:

UNCONSTRUCTED AREA(S) WITH FINANCIAL ASSURANCE: The area(s) identified as Cell G, totaling 14.8 acres, are included in the calculation of financial assurance as required by Section 11523 of Part 115. This portion(s) of the Facility shall be authorized to receive waste, as part of this license, when acceptable certification is submitted to the MDEQ, as required by Section 11516(5) of Part 115, and determined by the MDEQ to be consistent with Part 115 and the administrative rules. The certification shall verify that construction of this area(s) was in accordance with the Construction Permit(s) listed in Item 8 of this license, Part 115, and the administrative rules implementing Part 115.

4. The following portions of the Facility are **NOT** authorized to receive solid waste by this license: None.
5. The attached map (Attachment A) shows the Facility, the area permitted for construction, monitoring points, leachate storage units, site roads, other disposal areas, and related appurtenances.
6. Issuance of this license is conditioned on the accuracy of the information submitted by the Applicant in the Application for License to Operate a Solid Waste Disposal Area (Application) received by the MDEQ on August 22, 2006, and any subsequent amendments. Any material or intentional inaccuracies found in that information is grounds for the revocation or modification of this license, and may be grounds for enforcement action. The licensee shall inform the MDEQ's Waste and Hazardous Materials Division, Cadillac District Supervisor, of any inaccuracies in the information in the Application upon discovery.
7. This license is issued based on the MDEQ's review of the Application, submitted by Wexford County Department of Public Works, for the Wexford County Landfill, dated June 8, 2006. The Application consists of the following:
 - a. Application Form EQP 5507.
 - b. Application fee in the amount of \$2,500.00.
 - c. Certification of construction by N/A.
 - d. Waste Characterization: N/A.
 - e. Restrictive Covenant:

The September 8, 2000, restrictive covenant on 178.4 acres is on file at the Wexford County Register of Deeds recorded on September 21, 2000, as Liber 80 pages 531. A copy is on file with the MDEQ.

- f. Perpetual Care Fund Agreement, established as an escrow account, signed by Mr. Robert W. Mackey, Department of Public Works Board Chairman, Wexford County Department of Public Works on November 17, 1998, was executed by the MDEQ on December 11, 1998.

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g. Financial Assurance.

i. Financial Assurance Required:

The amount of financial assurance required for this Facility was calculated based on the calculation worksheet form EQP 5507A entitled, "Form A Financial Assurance Required," and is \$5,684,469.60.

The Facility has provided financial assurance totaling \$5,685,000.00, based on the requirements of Section 11523 of Part 115, consisting of a combination of the Perpetual Care Fund established under Section 11525, bonds, and the financial capability of the Applicant as evidenced by a financial test. The financial assurance mechanisms used by the Facility are summarized below in items ii, iii, and iv, respectively.

ii. Financial Assurance Provided Via a Perpetual Care Fund:

- (1) The amount of the required financial assurance can be reduced pursuant to Section 11524 of Part 115, if the amount of money in the Perpetual Care Fund plus the amount of the reduced financial assurance equals the amount of financial assurance required in Section 11523 and is approved by the MDEQ.
- (2) The Perpetual Care Fund Agreement statement showed a balance of \$1,312,147.11 in the Facility's Perpetual Care Fund as of August 17, 2006. Of this amount, the MDEQ has granted the request to use \$1,310,000.00 toward the total amount of financial assurance required.

iii. Financial Assurance provided via bond:

The following financial assurance has been received from the Applicant to meet the amount of financial assurance required:

Irrevocable Letter of Credit	\$500,000.00
Total Amount Received:	\$500,000.00

iv. Financial Assurance provided via a financial test for a Type II landfill:

A financial test may be used by the owner of a Type II landfill as a means to meet an amount up to, but not exceeding, 70 percent of the closure, post-closure, and corrective action cost estimate pursuant to Section 11523a of Part 115. This Facility has provided a financial test in the amount of 3,875,000.00. Financial capability demonstrated by a financial test must be updated each fiscal year. The next update is due June 30, 2007 and each year thereafter. If the owner/operator fails to update the test, or is no longer able to satisfy the test, the owner/operator must obtain alternate financial assurance within 210 days following the close of the owner's/operator's fiscal year.

v. Financial Assurance Updates Required:

For Type II landfills, the financial assurance cost estimates of closure and post-closure activities must be updated annually and the corresponding requisite amount of financial assurance must be adjusted annually for the costs of inflation. The corresponding financial assurance, as adjusted for inflation and other factors, is due on November 22, 2007, and each year thereafter.

8. The following documents approved with Construction Permit Number(s) 0382 issued to Wexford County Landfill on April 25, 2000, are incorporated in this license by reference:

- a. Groundwater Remediation Action Plan dated April 1990.
- b. Operations and Maintenance Manual, Groundwater Remediation System, dated June 30, 1994.

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9. The following additional documents, approved since the issuance of the construction permit(s) referenced in Item 8, are incorporated in this license by reference:
- Design Upgrade to Approved Permit, prepared by CTI and Associates, Inc., dated October 2004.
 - Design Upgrade to Approved Permit, prepared by CTI and Associates, Inc., Revised January 2005.
 - Design Upgrade to Approved Permit, prepared by CTI and Associates, Inc., Revised February 2006.
 - Design Upgrade to Approved Permit, prepared by CTI and Associate, Inc., Revised April 2006.
 - Explosive Gas Monitoring Plan dated March 2006, prepared by CTI and Associates, Inc., Revised July 2006.
 - Leachate Recirculation Plan, 3rd Revision, March 2006 prepared by CTI and Associates, Inc.
 - Hydrogeological Monitoring Plan dated March 2003 revised December 30, 2003, and the Interim Hydrogeological Monitoring Plan dated November 25, 2005, approved by MDEQ with conditions on February 2, 2006.
 - Phase II Revised Remedial Action Plan Work Plan and Well Abandonment and Replacement Plan, prepared by CTI and Associates, Inc., dated April 2005 as revised on February 28, 2006.
 - Hydrogeological Study, Part II, dated May 29, 1990.
10. Consent Order/Judgment Number: Consent Order Number 115-18-02 entered on September 13, 2002, is incorporated into this license by reference.
11. The licensee shall repair any portion of the certified liner or leachate collection system which is found to be deficient or damaged during the term of this license unless determined otherwise by the MDEQ.
12. The licensee shall have repairs to any portion of the certified liner or leachate collection system recertified by a registered professional engineer in accordance with R 299.4921 of Part 115 and approved by the MDEQ before receiving waste in that portion of the certified liner or leachate collection system. The licensee shall submit the recertification to the MDEQ's Waste and Hazardous Materials Division, Cadillac District Supervisor, for review and approval.
13. The licensee shall conduct hydrogeological monitoring in accordance with the approved Hydrogeological Monitoring Plan dated March 2003 and revised December 30, 2003 and the Interim Hydrogeological Monitoring Plan dated November 25, 2005, approved by MDEQ with conditions on February 2, 2006. The sampling analytical results shall be submitted to the MDEQ's Waste and Hazardous Materials Division, Cadillac District Office.
14. Modifications to the approved hydrogeological monitoring plan referenced in Item 13 may be approved, in writing by the Waste and Hazardous Materials Division, Cadillac District Supervisor. Proposed revisions must be submitted in a format specified by the MDEQ.
15. Leachate may be recirculated if a leachate recirculation plan has been approved, in writing, by the Waste and Hazardous Materials Division, Cadillac District Supervisor.
16. Modifications to approved engineering plans that constitute an upgrading, as defined in R 299.4106a(l), may be approved, in writing, by the Waste and Hazardous Materials Division, Cadillac District Supervisor.
17. Requests for alternate daily cover may be approved, in writing, by the Waste and Hazardous Materials Division, Cadillac District Supervisor.
18. Leakage Control Criteria:
- The active portions of the unit(s) authorized to receive waste by this license is an unmonitored unit(s) designed with a double-liner systems which is in compliance with the provisions of R 299.4422(3) and which is capable of detecting and collecting leakage through the primary composite liner. The action flow rate for each unit containing a leak detection system is 5 gallons/acre/day. The response flow rate for each unit containing a leak detection system is 25 gallons/acre/day.
19. **VARIANCES:** None.

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20. SPECIAL CONDITIONS:

- a. The licensee shall place a compacted layer of not less than six inches of earthen material, unless an exemption is granted, of suitable cover material on all exposed solid waste by the end of each working day, as required by R 299.4429(l). Suitable cover shall be either uncontaminated soil or an alternate cover approved by the Waste and Hazardous Materials Division, listed in Item i below. Alternate cover shall be restricted as indicated in Item ii and applied as per the approved operational plan submitted by the licensee.

- i. Approved alternate cover shall be any of the following:

<u>Product/Waste Material</u>	<u>Source</u>	<u>Monthly Volume</u>
Foundry Sand	Cadillac Castings, Inc., formerly Hayes-Lemmerz, Inc.	Unlimited

- ii. The above materials are approved for daily cover when used in the following manner:

- (1) The licensee shall use the material as daily cover only. The material cannot be used for road building or fill in other areas of the Facility's operation.
- (2) The licensee shall maintain written authorization on site, from the generator of the material, to use the material as daily cover.
- (3) The licensee shall only stockpile material in a secure manner within the active cell.
- (4) This approval does not preclude the licensee from disposing of the material as waste in the active fill area instead of using the material as daily cover.
- (5) This approval shall immediately become void upon documentation by the MDEQ that the alternate cover is not being used in accordance with listed conditions, that the alternate cover is not providing the necessary protection, or that the process producing the waste has changed.
- (6) If the material does not meet the guidelines from Attachment 2 of Operational Memo 115-10 Revision 1 for non-volatiles, the licensee shall ensure that fugitive dust emissions from this material do not occur. Acceptable methods to assure fugitive emissions do not occur are:
 - (a) Implement a schedule to wet down material; or
 - (b) Cover the material with a tarp; or
 - (c) Apply an approved foam or other appropriate commercial dust control product.
- (7) This approval to use alternate cover shall expire upon the expiration of this operating license.

- b. The licensee shall, no later than January 2, 2007, submit a work plan for MDEQ approval for conducting vertical aquifer sampling and establishing nested monitoring wells in a location between MW 10 and VAS 42, in lieu of previously proposed MW 49.
- c. The licensee shall, no later than January 2, 2007, demonstrate to the MDEQ that dedicated tubing in each monitoring well is inert and if necessary, submit a work plan for replacing any tubing that may not be inert.
- d. The licensee shall, not later than February 16, 2007, submit a final Remedial Action Plan (RAP) which complies with the requirements of Part 115 and Part 201 of the NREPA, as proposed in the February 28, 2006, revised work plan prepared by CTI and Associates, Inc., and approved by the MDEQ on March 22, 2006.
- e. The licensee shall, until such time as a final RAP is approved by the MDEQ, continue to operate the groundwater purge system in accordance with the Operations and Maintenance Manual, Ground Water Remediation System dated

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June 30, 1994, and to sample the system in accordance with the Exemption for Groundwater Remediation Activities dated August 20, 1992.

- f. The licensee shall, until such time as a final RAP is approved by the MDEQ, continue interim measures to protect public health by supplying bottled water, carbon treatment and residential well monitoring in accordance with the proposed Interim Action Monitoring Plan dated October 10, 2006 and by monitoring off site groundwater in accordance with the proposed Perimeter Monitoring Plan, dated October 10, 2006, both prepared by CTI and Associates, Inc.

- 21. **TERM:** This license shall remain in effect until its expiration date, unless revoked or continued in effect, as provided by, the Administrative Procedures Act, 1969 PA 306, as amended, or unless superseded by the issuance of a subsequent license.

END OF LICENSE

ATTACHMENT A

